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U.S. Department of Transportation Dockets  
Federal Aviation Administration  
Docket No. FAA-99-5926 -27  
400 Seventh Street, SW.  
Washington DC, 20590

SUBJECT: Docket No. FAA-99-5926, Modification of the Dimensions of the Grand Canyon National Park Special Rules Area and Free Flight Zones

Dear Sir,

EAA (Experimental Aircraft Association) is the world leader in recreational aviation. With an international membership of 170,000, EAA brings together aviation enthusiasts, pilots and aircraft owners who are dedicated to the continued growth of aviation, the preservation of its history and a commitment to aviation's future. EAA programs, activities and events are known throughout the world for supporting aviation safety and promoting personal enjoyment and responsibility within an aviation lifestyle. These efforts are made possible through massive volunteer involvement in support of the organization, as well as EAA's special interest Divisions, and a global network of nearly 1,000 local Chapters and the affiliated National Association of Flight Instructors (NAFI).

The following comments are filed in response to the Modification of the Dimensions of the Grand Canyon National Park (GCNP) Special Flight Rules Area (SFRA) and Free Flight Zones (FFZ) and the corresponding environmental assessment. EAA's objections to the proposed expanded SFRA and FFZ's in the Grand Canyon National Park center on three specific areas:

1. The lack of any general aviation activity study within and around the park;
2. The failure to study the effect of expanding the SFRA and FFZ's outside the existing boundaries;
3. Expanding the SFRA and FFZ's beyond the scope and intent of the 1987 Public Law 100-9 1.
4. The FAA's failure to include in the Cost Summary information pertaining to the additional cost burden placed on general aviation by forcing these aircraft to fly hundreds of miles around the proposed GCNP SFRA.

As in the 1996 action (Docket No. 28653), the National Park Service's environmental assessment unduly discriminates against general aviation, compared to other activities in the park and does not properly consider the impact of general aviation on the park and its neighbors. The June 1999 environmental study continues to only address the noise impact from commercial air tours. It is of continuing concern to EAA that the FAA and the National Park Service (NPS) have made no effort to determine the effect, if any, general aviation is having on the Grand Canyon National Park and its neighbors. In 1996, the FAA and the NPS failed to present any evidence that indicated the need to restrict general aviation aircraft from flying in the vicinity of or over the Grand Canyon National Park. In 1999 that same statement holds true, as once again neither the FAA nor the NPS presented any evidence that general aviation has contributed to the loss of natural quiet within the GCNP.

EAA believes it is irresponsible for any government agency to restrict free passage of general aviation aircraft within the National Airspace System without showing due cause for such a restriction. Neither the National Park Service nor the Federal Aviation Administration has shown just cause for effectively banning general aviation from overflying the park. Further, it was not the intent of the 1987 Public Law 100-91 to ban aircraft overflights of the park.

In the preamble of the 1996 rule it is stated that "the legislative history of Pub. L. 100-91 indicates that it was **not** the intent of the legislation to ban aircraft from overflying the Grand Canyon." Yet the FAA and the NPS continue to seek alteration of the rule by ignoring the largest segment of aviation general aviation.

The EAA believes it would be appropriate to allow non-commercial general aviation aircraft to overfly the proposed FFZ's at altitudes above 10,499 feet MSL. This altitude will give adequate terrain and tour operation clearance, would maintain a 3,000 AGL clearance that is desired in the Environmental Assessment to prevent conflicts with birds, and should not have a significant impact on the natural quiet of the park.

EAA was surprised by the Federal Aviation Administration's Cost Summary of this rule change. This study totally ignored the additional cost burden placed on the general public by forcing aircraft to fly hundreds of miles out of the way to fly around the GCNP and the SFRA. The cost burden on the general flying public will be in the millions of dollars, including fuel, maintenance, and related travel expenses.

Additionally, EAA questions why the FAA, the DOT, and the NPS did not use negotiated rulemaking to develop this rulemaking action. This is especially troublesome, given the recent success the National Park Overflights Working Group had in drafting a consensus document of recommendations for a National Park Overflights Proposed Rule. In this process, representatives of the commercial air tour industry, general aviation, NPS, FAA, and Native American community drafted a proposed rule and reached nearly unanimous agreement regarding the regulatory management of air tours over national parklands.

EAA agrees with the FAA and the NPS that the need exists to help restore “the natural quiet” to the GCNP. If used per Public Law 100-91, the SFRA and the FFZ’s are in the public interest to meet this goal.

EAA proposes the following changes to the proposed rule:

### **93.301 Applicability**

Reduce the proposed ceiling of the airspace from “up to but not including 18,000 feet MSL,” to “up to but not including 14,500 feet MSL.”

**Reason:** The 1999 proposed amendment to CFR 14 Part 93.301 Subpart U as shown in the Federal Register Docket No. FAA-99-5926: Notice 99-11 concerning the GCNP SFRA is exactly the same as the 1996 Federal Register Docket No. FAA-28537. It appears the FAA and the NPS are attempting to circumnavigate all the public and inter-agency agreements made during the 1996 GCNP SFRA public and congressional meetings.

A prime example of this is the proposed upper altitude limit. In 1996, the FAA and the NPS proposed the upper limit of the GCNP SFRA be increased from 14,500’ MSL to “up to but not including 18,000’ MSL. Public and Congressional meetings determined the requested increase placed an unnecessary burden on the public and per agreement, the upper altitude was left unchanged at 14,500’ MSL. In the 1999 Federal Register document, the FAA and the NPS are again trying to raise the upper limit to “up to but not including 18,000’ MSL.” As in 1996, not one shred of evidence has been presented to justify the increase in altitude. Further, the environmental assessment did not address the noise impact, if any, of aircraft operating at these altitudes above the park.

**EAA strongly opposes the FAA and the NPS attempt to change this altitude. The upper limit of the GCNP SFRA needs to remain 14,500’ MSL.**

### **93.301 Applicability**

**(a) EAA recommends the following adjustment to the Southeastern border of the GCNP SFRA:**

Lat. 35°57’00” N., Long. 112°03’30” W.; East to Lat. 36°00’24” N., Long. 111°39’34” W.; North to Lat. 36°12’35” N., Long. 111°39’33” W.; Northwest to Lat. 36°24’49” N., Long. 111°47’45” W.

**Reason:** The proposed Southeastern border of the GCNP SFRA, Southern point of Lat. 35°55’38” N., Long. 111°36’03” W., effectively eliminates all Eastern VFR routes around the GCNP. By placing this point 1 nautical mile (nm) from the Sunny Military Operations Area (MOA) border, the proposal effectively places a road block in the sky,

making it impossible to fly from any airport South or West of the GCNP to Tuba City Airport (T03) or any points to the East or Northeast. If adopted, this roadblock will force VFR pilots to deviate up to 300 nm in order to fly around the GCNP to the West and North. This action will result in a greater environmental impact (fuel burned, aircraft noise) to those areas under these newly forced VFR flight routes.

The Sunny MOA is a very active military jet fighter training area used by F 16, F 15, and F 18 aircraft for basic fighter maneuver (BFM) training, fighter intercept training, fighter transition training and fighter formation flight training. With these fighters operating at a maximum airspeed just short of the speed of sound, no VFR pilot flying a small aircraft will enter the Sunny MOA hoping that they will be able to “see and avoid” these fighters in time to avoid a mid-air collision. Thus it is not reasonable for the FAA and the National Park Service to force slow flying VFR pilots into this “hornets” nest.

The GCNP SFRA was established to reduce the impact of aircraft noise on the GCNP park environment, not to provide a “protected zone” for commercial air tour operators to fly in. The proposed movement of the Desert View Free Flight Zone (FFZ) 5 nm to the East of the GCNP border accomplishes that purpose. Therefore, extending the GCNP SFRA an additional 4 nm beyond the proposed Desert View FFZ solely to provide a flight corridor for commercial air tour operators is an unnecessary infringement on the limited National Airspace available for public use. Commercial air tour operators may operate freely outside the GCNP SFRA per CFR 14 Parts 91, 121, and 135.

**(b) EAA recommends the following adjustment to the northern border of the GCNP SFRA:**

Lat. 36°48'00" N., Long. 111°35'30" W.; West to Lat. 36°49'00" N., Long. 111°40'15" W.

**Reason:** These coordinates would be the new northern geographic limit of the GCNP SFRA. Neither the 1996 nor the 1999 GCNP SFRA environmental assessments have shown a need to include areas North of this line in the GCNP SFRA. All references to aircraft noise and other environmental issues clearly indicate the area North of this line does not need the “restoring natural quiet” protection offered by the GCNP SFRA per Public Law 100-91. This line matches the northern boundary of the GCNP.

**(c) EAA recommends the following adjustment to the Western border of the GCNP SFRA:**

Eliminate the proposed expansion in the vicinity of the Grand Canyon West airport (1 G4).

**Reason:** Extending the GCNP SFRA along “Lat. 36°06'24" N., Long. 113°58'46"., thence south along the boundary of the GCNP to Lat. 36°00'23" N., Long. 113°54'11" W.” will have no effect on improving the natural quiet within the GCNP. The proposed

area was not included in the 1996 GCNP SFRA rule and the 1999 GCNP SFRA environmental assessment clearly indicates this area does not have a noise issue. Including this area solely because it lies within the GCNP does not meet the mandate of Public Law 100-91. The FAA and the NPS need to prove this area is “endangered” due to encroachment of noise. The environmental assessment study does just the opposite, it proves there is no noise issue, therefore this area does not need the protection offered by the GCNP SFRA.

### **93.305 Flight-free Zones and Flight Corridors.**

#### **(a) Desert View Flight Free Zone**

EAA very strongly opposes extending the Desert View FFZ outside the boundaries of the GCNP solely for the purpose of reaching a mitigation agreement with the Traditional Cultural Properties (TCP).

**Reason:** The purpose of Public Law 100-9 1 is to provide a means to restore the natural quiet within the GCNP, it was not intended to be used as a bargaining tool by the NPS in reaching agreements with its neighbors.

EAA strongly disagrees with the FAA and the NPS in extending this mandate as a leveraging tool to meet mitigation agreements concerning impacts on TCP. **Extending the SFRA and the FFZ’s outside of the intended scope of the 1987 Public Law 100-91 (e.g., outside the GCNP) sets a very dangerous precedent.** Will future NPS mitigation agreements (USA wide) involve giving special airspace protection to any Federal, Public, or Private group? Once set, this NPS precedent of rewarding mitigation agreement signers with Federally protected airspace will have no end and will have a devastating effect on the National Airspace System.

#### **(b) Establishment of General Aviation VFR Transition Corridors.**

EAA recommends the FAA and the NPS maintain the two established VFR transition corridors for use by general aviation pilots flying through the area.

**Reason:** The preamble of the 1996 rule states “the legislative history of Pub. L. 100-9 1 indicates that it was **not** the intent of the legislation to ban aircraft from overflying the Grand Canyon.”

Special Use Airspace (SUA) is designed per CFR 14 Part 73. One of the main design features is the ability to return SUA to the public domain when not being used for its intended purpose. It was never designed to create a permanent roadblock in the sky. This is not the case with the GCNP SFRA. It provides no relief to general aviation pilots who need to transition through the area.

EAA welcomes the FAA comments in Docket No. 99-5927; Notice No. 99-12, Commercial Air Tour Limitation in the Grand Canyon National Park Special Flight Rules Area which state: “General aviation (GA) traffic accounts for about 3 percent of all aircraft traffic in the GCNP according to the Las Vegas FSDO. The FAA does not believe that this amount of noise would effect the accuracy of its estimates. This noise has not been measured or included in the noise models used to obtain the estimates contained in this analysis because the FAA believes the amount of noise produced by these aircraft is very small compared to that of commercial air tour aircraft.”

Based on these comments, EAA feels it would be in the public interest for VFR corridors to be re-established for general aviation aircraft to transition through the GCNP SFRA. **VFR transition routes currently exist under CFR 14 Part 93.305 (e.g., Zuni-Point Corridor and Dragon Corridor).**

**EAA recommends these routes be incorporated into the proposed 93.305.** The redesign of the Desert View FFZ, the Bright Angel FFZ, and the Toroweap/Shinumo FFZ mandates that the entry/exit points for the Zuni Point Corridor and the Dragon Corridor be reestablished. This has not been accomplished in either Federal Register documents: Docket No. FAA-99-5926 and Docket No. FAA-99-5927.

As depicted on the SFRA map provided with Docket No. FAA-99-5926, the Dragon and Zuni Point corridors both have “dog legs,” course changes that make navigation extremely difficult and increase the chance a pilot could inadvertently transgress into a flight-free zone. The FAA and the NPS need to design more direct, straight, corridors to avoid the possibility of inadvertent violations of FFZ’s.

#### **(c) Establishment of General Aviation VFR Transition Corridors.**

In addition **EAA recommends establishment of an East – West corridor** for use by VFR transient and general aviation flight operations. This corridor, designated as “Flightstar Corridor”, shall be four (4) nm wide either side of a line extending between Pearce Ferry Airport (L25) located at Lat. 36°05’59” N., Long. 114°02’59” W. and the Grand Canyon VOR-DME (GCN) located at Lat. 35°57’14” N., Long. 112°08’18” W., at or above 10,500’ MSL.

**Reason:** The establishment of this VFR East – West corridor will reduce the impact the GCNP SFRA imposes on general aviation aircraft per “the legislative history of Pub. L. 100-9 1 indicates that it was **not** the intent of the legislation to ban aircraft from overflying the Grand Canyon.” This corridor will also provide a direct link for transitioning through the Zuni Point Corridor and the Dragon Corridor.

The request to establish an East – West corridor is supported by FAA statements in Federal Register Docket No. FAA-99-5927. Quote: “General aviation (GA) traffic accounts for about 3 percent of all aircraft traffic in the GCNP according to the Las

Vegas FSDO. The FAA does not believe that this amount of noise would effect the accuracy of its estimates. This noise has not been measured or included in the noise models used to obtain the estimates contained in this analysis because the FAA believes the amount of noise produced by these aircraft is very small compared to that of commercial air tour aircraft.”

In closing, EAA believes the Federal Aviation Administration and the National Park Service are attempting to resolve all the issues associated with the GCNP and its related SFRA and FFZ's. However expanding the SFRA and FFZ's beyond the scope and intent of the 1987 Public Law 100-9 1 is a step in the wrong direction and clearly not in the best interest of providing free movement of general aviation aircraft over public lands.

Sincerely,  
Experimental Aircraft Association

A handwritten signature in black ink, reading "Earl Lawrence". The signature is written in a cursive, flowing style.

Earl Lawrence  
Executive Director, Government Programs  
Experimental Aircraft Association